

10/509121 #2  
DT09 Rec'd PCT/PTO 2.8 SEP 2004

Docket No.: 1254-0259PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Koichiro KAKU et al.

Application No.: Not Yet Assigned

Confirmation No.: N/A

Filed: September 28, 2004

Art Unit: N/A

For: GENE CODING FOR ACETOLACTATE  
SYNTHASE

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Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

Copies of the references on the PTO/SB/08 are not provided.

Those patent(s) or publication(s) which are marked with a double asterisk (\*\*) next to the Cite No. in the attached form PTO/SB/08 (facsimile) are not supplied because they were previously cited by or submitted to the Office in a prior application number PCT/JP03/01917, filed February 21, 2003.

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A concise explanation of relevance of the items listed on form PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: September 28, 2004

GMM/clb

Respectfully submitted,

By 

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Application Number	Not Yet Assigned
				Filing Date	September 28, 2004
				First Named Inventor	Koichiro KAKU
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	1254-0259PUS1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	BA**	WO-01/85970-A2	11-15-2001			
	BB**	WO-02/44385-A1	06-06-2002			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \*\* CITE NO.: Those patent(s) or publication(s) which are marked with an double asterisk (\*\*) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T <sup>2</sup>
	CA**	BERNASCONI, P. et al., "A NATURALLY OCCURRING POINT MUTATION CONFERS BROAD RANGE TOLERANCE TO HERBICIDES THAT TARGET ACETOLACTATE SYNTHASE", J. Biol. Chem. (1995), Vol. 270, No. 29, pages 17381 to 17385.				
	CB**	MOURAD, G. et al., "INTRAGENIC RECOMBINATION IN THE CSR1 LOCUS OF ARABIDOPSIS", Mol. Gen. Genet. (1994), Vol. 243, No. 2, pages 178 to 184.				
	CC**	David CHIPMAN et al., "BIOSYNTHESIS OF 2-ACETO-2-HYDROXY ACIDS: ACETOLACTATE SYNTHASES AND ACETOHYDROXYACID SYNTHASES", Biochem.Biophys.Acta (1998), Vol. 1385, pages 401 to 419.				
	CD**	CHONG, C.K. et al., "ROLE OF TRYPTOPHANYL RESIDUES IN TOBACCO ACETOLACTATE SYNTHASE", Biochem. Biophys.Res.Comm. (1999), Vol. 259, No. 1, pages 136 to 140.				
	CE**	CHONG, C.K. et al., "AMINO ACID RESIDUES CONFERRING HERBICIDE TOLERANCE IN TOBACCO ACETOLACTATE SYNTHASE", Biochem.Biophys.Res.Comm. (2000), Vol. 279, No. 2, pages 462 to 467.				
	CF**	Kathleen Y. LEE et al., "THE MOLECULAR BASIS OF SULFONYLUREA HERBICIDE RESISTANCE IN TOBACCO", The EMBO J. (1988), Vol. 7, No. 5, pages 1241 to 1248.				

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \*\* CITE NO.: Those patent(s) or publication(s) which are marked with an double asterisk (\*\*) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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Examiner Signature	Date Considered
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